

Office of the City Attorney

Richard Doyle, City Attorney

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T*he Office of the City Attorney is committed to providing excellent legal services, consistent with the highest professional and ethical standards, to the City and Redevelopment Agency, with the goal of protecting and advancing their interests in serving the people of San José*

City Service Area

Strategic Support

Core Services

Legal Representation

Advocate, defend, and prosecute on behalf of the City's and Redevelopment Agency's interests

Legal Transactions

Provide oral and written advice on legal issues and prepare documents to implement official City and Redevelopment Agency actions

Strategic Support: Office Management and Analysis, Fiscal Control/Budget Preparation, Personnel Administration/Human Resources, Computer Network Management, Facility Management, Records and File Maintenance, Law Library Maintenance, and Contract Administration

Office of the City Attorney

Department Budget Summary

	2007-2008 Actual 1	2008-2009 Adopted 2	2009-2010 Forecast 3	2009-2010 Proposed 4	% Change (2 to 4)
Dollars by Core Service					
Legal Representation	\$ 7,319,960	\$ 7,180,877	\$ 7,335,471	\$ 6,912,885	(3.7%)
Legal Transactions	6,126,877	6,783,215	6,986,393	6,558,084	(3.3%)
Strategic Support	1,670,234	1,591,742	1,615,166	1,416,370	(11.0%)
Total	\$ 15,117,071	\$ 15,555,834	\$ 15,937,030	\$ 14,887,339	(4.3%)
Dollars by Category					
Personal Services					
Salaries/Benefits	\$ 14,077,428	\$ 14,342,299	\$ 14,866,009	\$ 14,091,924	(1.7%)
Overtime	8,772	51,154	54,416	54,416	6.4%
Subtotal	\$ 14,086,200	\$ 14,393,453	\$ 14,920,425	\$ 14,146,340	(1.7%)
Non-Personal/Equipment					
Total	\$ 1,030,871	1,162,381	1,016,605	740,999	(36.3%)
Total	\$ 15,117,071	\$ 15,555,834	\$ 15,937,030	\$ 14,887,339	(4.3%)
Dollars by Fund					
General Fund	\$ 13,323,437	\$ 13,384,186	\$ 13,747,290	\$ 12,789,748	(4.4%)
Airport Maint & Opers	677,908	679,803	701,652	529,715	(22.1%)
Federated Retirement	0	0	0	49,807	N/A
Home Invest Partnership	5,421	9,311	9,692	9,692	4.1%
Integrated Waste Mgmt	0	0	0	29,981	N/A
Low/Mod Housing	572,038	679,638	645,141	645,141	(5.1%)
Sewer Svc & Use Charge	435,160	429,665	453,320	453,320	5.5%
SJ/SC Treatment Plant Oper	103,107	105,513	102,651	102,651	(2.7%)
Workforce Investment Act	0	267,718	277,284	277,284	3.6%
Total	\$ 15,117,071	\$ 15,555,834	\$ 15,937,030	\$ 14,887,339	(4.3%)
Authorized Positions	94.62	92.62	92.62	89.00	(3.9%)

Office of the City Attorney

Budget Reconciliation

(2008-2009 Adopted to 2009-2010 Proposed)

	Positions	All Funds (\$)	General Fund (\$)
Prior Year Budget (2008-2009):	92.62	15,555,834	13,384,186
Base Adjustments			
One-Time Prior Year Expenditures Deleted			
• Rebudget: Pension Obligation Bonds Legal Services		(200,000)	(200,000)
One-time Prior Year Expenditures Subtotal:	0.00	(200,000)	(200,000)
Technical Adjustments to Costs of Ongoing Activities			
• Salary/benefit changes and the following position reallocations:		234,678	233,451
- 3.0 Deputy City Attorneys to 3.0 Senior Deputy City Attorneys			
- 1.0 Legal Administrative Assistant to 1.0 Executive Assistant			
• Restore Attorney's Office Temporary Senior Deputy City Attorney Staffing		233,092	216,227
• Restore Attorney's Office Temporary Legal Research Staffing		59,202	59,202
• Restore one-time Non-Personal/Equipment savings		43,566	43,566
• Non-Personal/Equipment COLA		14,658	14,658
• Changes in vehicle maintenance and operations costs		(4,000)	(4,000)
Technical Adjustments Subtotal:	0.00	581,196	563,104
2009-2010 Forecast Base Budget:	92.62	15,937,030	13,747,290
Budget Proposals Recommended			
1. Attorney's Office Unrepresented Staffing Six Day Furlough		(193,510)	(193,510)
2. Attorney's Office Airport Staffing Funding Reallocation and Non-Personal/Equipment Funding Efficiencies		(186,767)	(25,102)
3. Attorney's Office Senior Deputy City Attorney Staffing	(1.00)	(149,193)	(149,193)
4. Attorney's Office Vacancy Savings		(112,988)	(112,988)
5. Attorney's Office Legal Administrative Support Staffing	(1.00)	(100,884)	(90,612)
6. Attorney's Office Senior Account Clerk Staffing	(1.00)	(88,343)	(88,343)
7. Attorney's Office Non-Personal/Equipment Funding Efficiencies		(74,181)	(74,181)
8. Attorney's Office Legal Research Staffing	(0.62)	(66,823)	(66,823)
9. Attorney's Office Temporary Professional Development Program		(51,858)	(51,858)
10. Attorney's Office Non-Personal/Equipment Funding COLA		(14,658)	(14,658)
11. City Attorney Salary Reduction		(10,486)	(10,486)
12. Attorney's Office Staffing Funding Reallocation		0	(79,788)
Total Budget Proposals Recommended	(3.62)	(1,049,691)	(957,542)
2009-2010 Proposed Budget Total	89.00	14,887,339	12,789,748

Office of the City Attorney

Budget Changes By Department

Proposed Budget Changes	Positions	All Funds (\$)	General Fund (\$)
1. Attorney's Office Unrepresented Staffing Six Day Furlough		(193,510)	(193,510)

Strategic Support CSA

Legal Representation

Legal Transactions

Strategic Support

This proposal would require all attorneys and management employees (unrepresented staffing) in the City Attorney's Office to take six days of unpaid leave in 2009-2010, generating \$193,510 in personal services savings for the Office. (Ongoing savings: \$0)

Performance Results:

Cycle Time, Customer Satisfaction The combination of proposed reduced staffing and more days off may result in increased cycle times that may affect customer satisfaction.

2. Attorney's Office Airport Staffing Funding Reallocation and Non-Personal/Equipment Funding Efficiencies		(186,767)	(25,102)
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Strategic Support CSA

Legal Representation

Legal Transactions

Strategic Support

In order to reduce costs to the Airport Maintenance and Operation Fund due to balancing needs in that Fund, the Attorney's Office is proposing to reallocate the costs of 1.25 attorney and administrative staff to the General Fund. These positions would no longer perform work on items related to the Airport Department, and instead be reassigned to other needs within the Office. In order to avoid eliminating the 1.25 positions, this proposal would reduce the Office's non-personal/equipment budget by \$186,767, a cost equal to the 1.25 positions. This funding is primarily earmarked for outside experts and consultants utilized for complex and specialized litigation matters. Reducing the budget for these services may make it more difficult to advocate the City's position in certain complex cases, however, retaining the attorney positions that would have otherwise been eliminated is a higher priority to the Office and may be more cost effective. (Ongoing savings: \$186,767)

Performance Results:

Cycle Time, Customer Satisfaction, Cost It may be more difficult to effectively advocate the City's position if adequate funding is not available for outside experts and consultants, however, retaining and redeploying the 1.25 positions from the Airport to the General Fund is a cost effective model to perform legal representation and transaction work.

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Proposed Budget Changes	Positions	All Funds (\$)	General Fund (\$)
3. Attorney's Office Senior Deputy City Attorney Staffing	(1.00)	(149,193)	(149,193)

Strategic Support CSA
Legal Transactions

This proposal would eliminate one Senior Deputy City Attorney position that has been vacant for one year (April 2008), and was held vacant in 2008-2009 as a cost saving action in the 2008-2009 Adopted Operating Budget. The workload would continue to be absorbed by other attorneys in the Office, and there should not be a decrease in the quality of the work product. (Ongoing savings: \$149,193)

Performance Results:

Quality, Cycle Time Current reduced service levels, experienced as a result of this vacancy, would continue on a permanent basis.

4. Attorney's Office Vacancy Savings		(112,988)	(112,988)
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Strategic Support CSA
Legal Representation

This proposal would suspend the hiring of a replacement for a retirement anticipated to occur in 2009-2010. The workload would be absorbed by remaining staff, and there should not be a decrease in the quality of the work product. (Ongoing savings: \$0)

Performance Results:

Quality, Cycle Time Turnaround times on lower priority items may be delayed; however, the Office would continue to meet legally mandated due dates.

5. Attorney's Office Legal Administrative Support Staffing	(1.00)	(100,884)	(90,612)
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Strategic Support CSA
Legal Transactions
Legal Representation

This proposal would eliminate one Legal Administrative Assistant II position, vacant since November 2008. The workload would continue to be absorbed by remaining staff, and while the Attorney to Legal Administrative Assistant ratio is higher than preferred, there should not be a decrease in the quality of the work product. Turnaround times on lower priority items may be delayed; however, the Office would continue to meet legally mandated due dates. (Ongoing savings: \$100,884)

Performance Results:

Quality, Cycle Time Current reduced service levels, experienced as a result of this vacancy, would continue on a permanent basis.

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Proposed Budget Changes	Positions	All Funds (\$)	General Fund (\$)
6. Attorney's Office Senior Account Clerk Staffing	(1.00)	(88,343)	(88,343)

Strategic Support CSA
Strategic Support

This proposal would eliminate the remaining Senior Account Clerk position in the City Attorney's Office, vacant since March 2009. The workload would be absorbed by remaining support staff, with Office Specialists cross-trained to cover some accounting duties that were formerly performed by this position. (Ongoing savings: \$88,343)

Performance Results:

Cycle Time, Customer Satisfaction Turnaround times on lower priority items may be delayed, as existing staff would be required to absorb additional duties.

7. Attorney's Office Non-Personal/Equipment Funding Efficiencies		(74,181)	(74,181)
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Strategic Support CSA
Legal Representation

This proposal would reduce the Office's non-personal/equipment budget on a two-year basis by \$74,181. This funding is primarily earmarked for outside experts and consultants utilized for complex and specialized litigation matters. Reducing the budget for these services may make it more difficult to advocate the City's position in certain complex cases. (Ongoing savings: \$74,181)

Performance Results:

Cycle Time, Customer Satisfaction It may be more difficult to effectively advocate the City's position if adequate funding is not available for outside experts and consultants.

8. Attorney's Office Legal Research Staffing	(0.62)	(66,823)	(66,823)
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Strategic Support CSA
Legal Transactions

This proposal would eliminate a 0.62 Research Attorney position that has been vacant since February 2008, and was held vacant in 2008-2009 as a cost saving action in the 2008-2009 Adopted Operating Budget. The workload would continue to be absorbed by other attorneys in the Office, and there should not be a decrease in the quality of the work product. (Ongoing savings: \$66,823)

Performance Results:

Quality, Cycle Time Current reduced service levels, experienced as a result of this vacancy, would continue on a permanent basis.

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Proposed Budget Changes	Positions	All Funds (\$)	General Fund (\$)
9. Attorney's Office Temporary Professional Development Program		(51,858)	(51,858)
<i>Strategic Support CSA</i> <i>Strategic Support</i>			
<p>This proposal would eliminate Professional Development Program (PDP) reimbursements for attorneys and management employees for 2009-2010. Currently the PDP reimburses eligible employees up to \$1,000 per year for expenses related to professional educational programs, including mandatory continuing legal education for members of the California Bar Association, job-related conferences, and professional subscriptions and memberships. (Ongoing savings: \$0)</p>			
Performance Results: Cost The Office budget may need to absorb training costs for mandatory continuing legal education. No change in performance should result from this proposal.			
10. Attorney's Office Non-Personal/Equipment Funding COLA		(14,658)	(14,658)
<i>Strategic Support CSA</i> <i>Strategic Support</i>			
<p>This proposal reduces the non-personal/equipment funding in the City Attorney's Office, Strategic Support Core Service totaling \$14,658 in the General Fund. As a result of this proposal, a 1.5% cost of living adjustment (COLA) applied to the Department's 2009-2010 base non-personal/equipment budget would be eliminated. The City Attorney's Office will carefully manage their non-personal/equipment expenditures to ensure they stay within budgeted levels. (Ongoing savings: \$14,658)</p>			
Performance Results: No significant change to current service levels are expected as a result of this proposal.			
11. City Attorney Salary Reduction		(10,486)	(10,486)
<i>Strategic Support CSA</i> <i>Strategic Support</i>			
<p>As announced on April 2, 2009, this proposal would rollback the salary of the City Attorney by 3.75% to the base compensation level earned in 2007-2008. This reduction is consistent with the rollback of the salaries for the City Manager, City Auditor, and City Clerk. The total appointee salary rollback for the four positions would generate approximately \$40,000 in General Fund savings. (Ongoing savings: \$10,486)</p>			
Performance Results: No significant change to current service levels are expected as a result of this proposal.			

Office of the City Attorney

Budget Changes By Department (Cont'd.)

Proposed Budget Changes	Positions	All Funds (\$)	General Fund (\$)
12. Attorney's Office Staffing Funding Reallocation		0	(79,788)

Strategic Support CSA
Legal Transactions

This proposal would reallocate funding for 0.4 Deputy City Attorney positions from the General Fund to the Integrated Waste Management Fund (0.2) and the Federated Retirement Services Fund (0.2) to align funding with legal services provided to these programs. These funds previously have not been directly charged for legal services. (Ongoing savings: \$0)

Performance Results:

No significant change to current service levels are expected as a result of this proposal.

2009-2010 Proposed Budget Changes Total	(3.62)	(1,049,691)	(957,542)
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Office of the City Attorney

Departmental Position Detail

Position	2008-2009 Adopted	2009-2010 Proposed	Change
Accounting Technician	1.00	1.00	-
Assistant City Attorney	2.00	2.00	-
Associate Deputy City Attorney	1.00	1.00	-
Chief Deputy City Attorney	4.00	4.00	-
Chief Trial Attorney	1.00	1.00	-
City Attorney	1.00	1.00	-
Deputy City Attorney*	14.00	11.00	(3.00)
Executive Assistant	0.00	1.00	1.00
Legal Administrative Assistant	15.00	13.00	(2.00)
Legal Analyst II	13.00	13.00	-
Legal Services Administrator	1.00	1.00	-
Legal Services Manager	1.00	1.00	-
Network Engineer	1.00	1.00	-
Office Specialist II	2.00	2.00	-
Police Officer	2.00	2.00	-
Police Sergeant	1.00	1.00	-
Research Attorney PT	0.62	0.00	(0.62)
Senior Account Clerk	1.00	0.00	(1.00)
Senior Deputy City Attorney*	27.00	29.00	2.00
Senior Legal Analyst	4.00	4.00	-
Total Positions	92.62	89.00	(3.62)

* One Deputy City Attorney to Senior Deputy City Attorney reallocation was not captured in the 2008-2009 Adopted Budget, but has been corrected above.

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